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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)	CR 03-177-PCT-JAT
Plaintiff,)	ORDER
vs.)	
Reese Benally,)	
Defendant.)	

Pending before the Court is Reese Benally's motion to hold collection process in abeyance until an evidentiary hearing can be held to determine if the Government obtained a default judgment by using fraud (Doc. #74). Basically, Mr. Benally is arguing that the Government is collecting money from him that Mr. Benally argues the Government does not have the authority to collect.

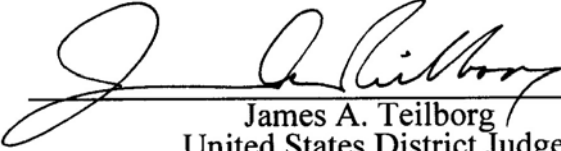
The Government responds and recounts that as part of Mr. Benally's plea agreement, Mr. Benally agreed to and was ordered to pay restitution to his victims (Doc. #75). Therefore, the Government asserts that it is collecting the restitution consistent with the terms of the plea agreement and Judgment in this case (both of which are attached to the Government's response). Mr. Benally did not file a reply.

For the reasons stated in the Government's response, Mr. Benally's motion will be denied. The Government has properly instituted collections proceedings in accordance with

1 the plea agreement and Judgment in this case and no evidentiary hearing is necessary.
2 Accordingly,

3 **IT IS ORDERED** that Reese Benally's motion to hold collection process in abeyance
4 until an evidentiary hearing can be held to determine if the Government obtained a default
5 judgment by using fraud (Doc. #74) is denied.

6 DATED this 16th day of November, 2005.

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10 James A. Teilborg
11 United States District Judge
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